

REMARKS

The claims have been amended according to the Preliminary Amendment originally submitted. The Examiner indicated that the Preliminary Amendment was not entered because the status of the claims was not indicated in parentheses; however, the Preliminary Amendment was submitted before this was required by the rules. In addition, the published application, US2007/0082894, shows the claims as amended by the Preliminary Amendment. The assertion of non-entry appears inconsistent with this.

Nevertheless, the proposed claims are as originally intended when the application was submitted. Since the Examiner has indicated that the Preliminary Amendment has not been entered, despite the publication of the claims therein, the claim indicators reflect the Examiner's position. Also, the substituents have been numbered using superscripts.

As stated above, applicants elect the invention of Group I without traverse and understand that the claims of Groups II and III, now claims 11-13 and 15-17, may be rejoined upon allowance of the claims of Group I. (It is also unclear why Groups II and III are separate, since Group II includes methods of treating a hyperproliferation-related disease which is treatable by modulation of microtubule polymerization, and Group III is directed to a method of modulating microtubule polymerization. Nevertheless, this is no longer an issue).

Chemical structure of compound 10: COc1cccc(c1)-c2nc3c(ncn3CCc4ccncc4)CC5=CC=CC=C5

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 415852000800.

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